

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-cr-00127-MOC-DCK

UNITED STATES OF AMERICA,

Vs.

DANIEL HEGGINS,

Defendant.

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ORDER

THIS MATTER is before the court on defendant's pro se Motions to Dismiss. Defendant seeks to dismiss this action under a theory that he enjoys diplomatic immunity under what he references as the "Vienna Convention of Diplomatic Relations" [*sic*], which the court deems to be a reference to the "Vienna Convention on Consular Relations of 1963" or "VCCR," contending that he is a "counselor of public ministries" of Morocco. In support of such claim, defendant has submitted documents which appear to originate from DeKalb County, Georgia.

Unfortunately for defendant, review of the pretrial report reveals that he has been a resident of Huntersville, North Carolina, since 2001, and before that resided in facilities provided by the Federal Bureau of Prisons. Further, the documents defendant has submitted from the State of Georgia are in no manner sufficient to show the immunity he asserts inasmuch as proof of diplomatic status would come from the United States Department of State, Diplomatic Security Command Center. Defendant's motions will therefore be summarily denied.

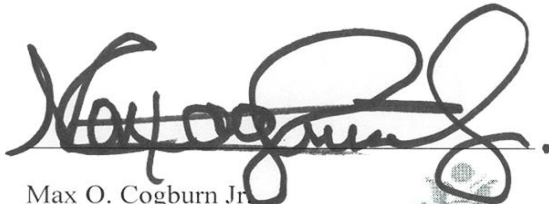
Defendant is advised that frivolous filings result in only one thing: longer prison sentences. In the event of a conviction in this case, pretrial services will make an inquiry into whether defendant filed frivolous pleadings with the court. If pretrial services so finds and this court then

concur that such filings obstructed the administration of justice in this case, a two level enhancement could be imposed under U.S.S.G. § 3C1.1. Defendant is cautioned and put on notice of such potential consequences.

ORDER

IT IS, THEREFORE, ORDERED that defendant's pro se Motions to Dismiss (#s 39 and 40) are DENIED WITH PREJUDICE.

Signed: August 26, 2015



Max O. Cogburn Jr.
United States District Judge